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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,465	01/18/2002	James C. Dow	10980473-7	4007

7590 06/22/2005  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

LEE, CHEUKFAN

ART UNIT PAPER NUMBER

2622

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/053,465	DOW ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cheukfan Lee	2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 9-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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1. Claims 1-22 are pending. Claims 1 and 18 are independent.
2. The Terminal Disclaimer filed December 17, 2004 has been approved.

3. Claims 13-16 are objected to for the following reasons:

In claims 13 and 15, it is unclear whether the dependency on claim 5 is corrected or intended by Applicant because of the term "the currently logically grouped unit" in both claims 13 and 15, since the logical unit is not claimed in claims 5, 4, or 1 upon which claims 13 and 15 depend directly or indirectly. Please clarify.

Claims 14 and 16 are objected to as being dependent upon the objected claims 13 and 15.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (U.S. Patent No. 6,680,749).

Regarding claim 1, Anderson et al. discloses a digital camera ("Method and System for Integrating an Application User Interface with a Digital Camera User Interface") comprising an image sensor (224, a CCD), which reads on the claimed photoelement array for acquiring image data, a menu interface (including image capture button, zoom buttons 426a and 426b, shuttle button 418, record button 426, mode button 420, etc. in user interface 408, Fig. 5B, col. 7, lines 35-67) for controlling the digital camera, a memory (internal memory of the computer 118 in the camera, col. 5, lines 11-15, removable memory 354, col. 5, lines 41-45 and col. 6, lines 2-11) for saving the image data, a processor (CPU of computer 118) in communication with the memory (col. 5, lines 11-15 and 41-45, and col. 6 lines 2-11), a control instrument (navigation control button 409 including left/right buttons 410a and 410b and up/down buttons 411a and 411b in Figs. 5A, 7-9, 10A and 10B, col. 8, lines 10-20 and on, col. 10, lines 11-33 and line 61 – col. 11, line 2) in communication with the CPU (in computer 118), a display (LCD 402) in communication with the CPU (in computer 118) for displaying the image data. Since the navigation button or control instrument (409) is for navigating among a plurality of the image data (in different modes including a review mode) and for navigating a plurality of menus of the menu interface (in 408) using the control instrument (409), a program code as claimed is inherent in the internal memory of the computer and executed by the CPU of the computer (col. 5, line 1 – col. 11, line 65).

Regarding claim 2, when at least one of the plurality of menus of the menu interface is activated and displayed on the display (LCD 402), the control instrument

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(409 including 410's and 411's) controls section of at least one of the items or elements of the menu (col. 10, line 11 – col. 11, line 2).

Regarding claim 3, in the view mode, the control instrument controls navigation among the images stored in the memory to enable the user to view the images in the camera (col. 9, lines 1-35).

Regarding claim 4, the control instrument (409 including buttons 410's and 411's, etc.) is a set of navigational buttons (Figs. 5A, 5B, 7-9, Figs. 10A and 10B). See discussion for claim 1 above.

Regarding claim 5, the set of navigational buttons comprises a left navigation button (410a), a right navigation button (410b), an up navigation button (411a), and a down navigation button (411b) (col. 8, lines 10-57).

Regarding claim 6, as the disclosure of Anderson et al. is understood, when the menu interface (in 408) is active, and when the left navigation button (410a) is in use, at least one of the plurality of menus displayed on the LCD (402) is inherently deactivated, i.e., the menus other than the one that is currently designated by the left navigation button (410a) are considered deactivated. See also discussions for claims 1 and 5.

Regarding claims 7 and 8, the claimed feature of the up navigation button and the down navigation button are inherent functions of the up and down navigation buttons (410a and 410b) (col. 8, lines 10-57).

Regarding claim 17, Anderson et al. further discloses means for communicating image data to a remote device (via the Internet) (col. 13, lines 28-31).

Claims 18-22 are rejected as being method claims corresponding to the rejected apparatus claims 1-3, 5, and 17, respectively.

6. Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 13-16 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is an examiner's statement of reasons for allowance:

Claims 9-12 would be allowable over Anderson et al. because Anderson et al. does not disclose attached images grouped into a logical unit and that the up navigation button or the down navigation navigates among the attached images grouped into the logical unit when the menu interface is not active and an image is displayed which is grouped into the logical unit, as claimed in claims 9 and 11. Claims 10 and 12 depend on claims 9 and 11, respectively.

Claim 13 and 15 would be allowable over Anderson et al. (provided that the dependency is clearly claimed). Anderson et al. does not disclose a logical unit into which attached images are grouped. Therefore Anderson et al. does not disclose that the left navigation button navigates among image data stored in the memory which is

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not in the current logically grouped unit as claimed in claims 13 and 15. Claims 14 and 16 depend on claims 13 and 15, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson et al. (U.S. Patent No. 6,765,612) discloses a method and a system for naming images captured by a digital camera.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee  
June 2, 2005



Cheukfan Lee